

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

FIRST APPEAL NO. 932 OF 1996

United India Insurance Co. Ltd.

..Appellant

v/s.

Shri Nana Gajanan Gurav (Dhotre)
and ors.

..Respondents

Mr. Dilip Mahadik i/b. S.R.Singh

Mr.P.R.Shinde, Advocate for Respondent no.1 to 3

CORAM : ANOOP V. MOHTA,J.

DATED : 24th September, 2007

ORAL JUDGEMENT

The deceased was the cleaner of the goods vehicle
in question.

2. The Learned Motor Accident Claim Tribunal

(MACT,Satara) after considering the material available
on record held that the accident took place on 21-9-1990
at about 9.30 a.m. due to rash and negligent driving of
the goods truck no. MWF 4384. The claimant proved that
the deceased died on account of above accident.

3. There is no challenge to the impugned order by the
owner of the vehicle in question.

4. The findings so arrived at remain, therefore,
intact.

5. The Appellant being the Insurance company has challenged the said award. The challenge on behalf of Insurance company in such matter is, therefore, very limited. The Insurance company cannot agitate the issue which ought to have been agitated by the owner of the truck.

6. Learned Counsel for the Appellant fairly conceded that the cleaner i.e. deceased was covered by the Insurance policy.

7. Taking all this into account, I am of the view that there is no case made out to interfere with the order which is well within the framework of law as well as record. The Appeal is, therefore, dismissed. No costs.

[ANOOP V. MOHTA,J.]